

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1174
96TH GENERAL ASSEMBLY

Reported from the Committee on Education, April 5, 2012, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4621S.03C

AN ACT

To repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to school accreditation, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 162.081, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.081, to read as follows:

162.081. 1. Whenever any school district in this state fails or refuses in any school year to provide for the minimum school term required by section 163.021 or is classified unaccredited [for two successive school years by the state board of education, its corporate organization shall lapse. The corporate organization of any school district that is classified as unaccredited shall lapse on June thirtieth of the second full school year of such unaccredited classification after the school year during which the unaccredited classification is initially assigned. The territory theretofore embraced within any district that lapses pursuant to this section or any portion thereof may be attached to any district for school purposes by the state board of education; but no school district, except a district classified as unaccredited pursuant to section 163.023 and section 160.538 shall lapse where provision is lawfully made for the attendance of the pupils of the district at another school district that is classified as provisionally accredited or accredited by the state board of education] **the state board of education shall:**

(1) Review the governance of the district to establish the conditions under which the existing school board shall continue to

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 **govern; or**

19 **(2) Determine the date the district shall lapse and determine an**
20 **alternative governing structure for the district.**

21 2. [Prior to or] **If** at the time any school district in this state shall [lapse,
22 but after the school district has been] **be** classified as unaccredited, the
23 department of elementary and secondary education shall conduct a public hearing
24 at a location in the unaccredited school district **regarding the accreditation**
25 **status of the school district. The hearing shall provide an opportunity**
26 **to convene community resources that may be useful or necessary in**
27 **supporting the school district as it attempts to return to accredited**
28 **status, continues under revised governance, or plans for continuity of**
29 **educational services and resources upon its attachment to a**
30 **neighboring district. The department may request the attendance of**
31 **stakeholders and district officials to review the district's plan to return**
32 **to accredited status, if any; offer technical assistance; and facilitate and**
33 **coordinate community resources. [The purpose of the hearing shall be to:**

34 (1) Review any plan by the district to return to accredited status; or

35 (2) Offer any technical assistance that can be provided to the district.

36 3. Except as otherwise provided in section 162.1100, in a metropolitan
37 school district or an urban school district containing most or all of a city with a
38 population greater than three hundred fifty thousand inhabitants and in any
39 other school district if the local board of education does not anticipate a return
40 to accredited status, the state board of education may appoint a special
41 administrative board to supervise the financial operations, maintain and preserve
42 the financial assets or, if warranted, continue operation of the educational
43 programs within the district or what provisions might otherwise be made in the
44 best interest of the education of the children of the district. The special
45 administrative board shall consist of two persons who are residents of the school
46 district, who shall serve without compensation, and a professional administrator,
47 who shall chair the board and shall be compensated, as determined by the state
48 board of education, in whole or in part with funds from the district.

49 4.] **3. Upon [lapse of the district] classification of a district as**
50 **unaccredited, the state board of education may:**

51 (1) **Allow continued governance by the existing school district**
52 **board of education under terms and conditions established by the state**
53 **board of education;**

54 (2) Appoint a special administrative board, [if such a board has not
55 already been appointed, and authorize the special administrative board to retain

56 the authority granted to a board of education] **determining the number of**
57 **members and specifying the board's duties** for the operation of all or part
58 of the district;

59 **[(2)] (3) Determine an alternative governing structure for the**
60 **district including, at a minimum:**

61 **(a) A rationale for the decision to use an alternative form of**
62 **governance and in the absence of the district's achievement of full**
63 **accreditation, the state board of education shall review and recertify**
64 **the alternative form of governance every three years;**

65 **(b) A method for the residents of the district to provide public**
66 **comment after a stated period of time or upon achievement of specified**
67 **academic objectives;**

68 **(c) Expectations for progress on academic achievement, which**
69 **shall include an anticipated timeline for the district to reach full**
70 **accreditation; and**

71 **(d) Annual reports to the general assembly and the governor on**
72 **the progress towards accreditation of any district that has been**
73 **declared unaccredited and is placed under an alternative form of**
74 **governance, including a review of the effectiveness of the alternative**
75 **governance;**

76 **(4) Attach the territory of the lapsed district to another district or**
77 **districts for school purposes; or**

78 **[(3)] (5) Establish one or more school districts within the territory of the**
79 **lapsed district, with a governance structure [consistent with the laws applicable**
80 **to districts of a similar size] specified by the state board of education, with**
81 **the option of permitting a district to remain intact for the purposes of assessing,**
82 **collecting, and distributing property taxes, to be distributed equitably on a**
83 **weighted average daily attendance basis, but to be divided for operational**
84 **purposes, which shall take effect sixty days after the adjournment of the regular**
85 **session of the general assembly next following the state board's decision unless**
86 **a statute or concurrent resolution is enacted to nullify the state board's decision**
87 **prior to such effective date. [The special administrative board may retain the**
88 **authority granted to a board of education for the operation of the lapsed school**
89 **district under the laws of the state in effect at the time of the lapse.]**

90 **[5.] 4. A special administrative board appointed under this**
91 **section shall retain the authority granted to a board of education for**
92 **the operation of the lapsed school district under the laws of the state**
93 **in effect at the time of the lapse. The authority of the special administrative**

94 board shall expire at the end of the third full school year following its
95 appointment, unless extended by the state board of education. If the lapsed
96 district is reassigned, the special administrative board shall provide an
97 accounting of all funds, assets and liabilities of the lapsed district and transfer
98 such funds, assets, and liabilities of the lapsed district as determined by the state
99 board of education.

100 [6. Upon recommendation of the special administrative board, the state
101 board of education may assign the funds, assets and liabilities of the lapsed
102 district to another district or districts. Upon assignment, all authority of the
103 special administrative board shall transfer to the assigned districts.

104 7.] **5. Neither the special administrative board nor any district or other**
105 **entity assigned territory, assets or funds from a lapsed district shall be**
106 **considered a successor entity for the purpose of employment contracts,**
107 **unemployment compensation payment pursuant to section 288.110, or any other**
108 **purpose. When a special administrative board is appointed for the**
109 **operation of all or part of a school district, or when any district or**
110 **other entity is assigned territory, assets or funds from a lapsed district,**
111 **all contracts shall be honored until the end of the contracts' term. At**
112 **the end of the contracts' term, a special administrative board or other**
113 **entity assigned territory, assets or funds from a lapsed district, shall**
114 **have the authority to employ or terminate the employment of all**
115 **personnel employed in the district and shall be under no obligation to**
116 **renew, or enter into, any contract with any employee. No special**
117 **administrative board nor any district or other entity assigned territory,**
118 **assets or funds from a lapsed district shall enter into any contracts**
119 **with any teacher or school employee union.**

120 [8.] **6. If additional teachers are needed by a district as a result of**
121 **increased enrollment due to the annexation of territory of a lapsed or dissolved**
122 **district, such district shall grant an employment interview to any permanent**
123 **teacher of the lapsed or dissolved district upon the request of such permanent**
124 **teacher. No school district shall compensate a teacher who serves as an**
125 **officer in a teacher or school employee union unless the teacher**
126 **performs actual work for the district on a full-time basis.**

127 [9. (1) The governing body of a school district, upon an initial declaration
128 by the state board of education that such district is provisionally accredited, may,
129 and, upon an initial declaration by the state board of education that such district
130 is unaccredited, shall develop a plan to be submitted to the voters of the school
131 district to divide the school district if the district cannot attain accreditation

132 within three years of the initial declaration that such district is unaccredited. In
133 the case of such a district being declared unaccredited, such plan shall be
134 presented to the voters of the district before the district lapses. In the case of
135 such a district being declared provisionally accredited, such plan may be
136 presented before the close of the current accreditation cycle.

137 (2) The plan may provide that the school district shall remain intact for
138 the purposes of assessing, collecting and distributing taxes for support of the
139 schools, and the governing body of the district shall develop a plan for the
140 distribution of such taxes equitably on a per-pupil basis if the district selects this
141 option.

142 (3) The makeup of the new districts shall be racially balanced as far as
143 the proportions of students allow.

144 (4) If a majority of the district's voters approve the plan, the state board
145 of education shall cooperate with the local board of education to implement the
146 plan, which may include use of the provisions of this section to provide an orderly
147 transition to new school districts and achievement of accredited status for such
148 districts.

149 10.] 7. In the event that a school district with an enrollment in excess of
150 five thousand pupils lapses, no school district shall have all or any part of such
151 lapsed school district attached without the approval of the board of the receiving
152 school district.

153 **8. No action of the state board of education pursuant to this**
154 **section shall be construed to supersede the right of a student residing**
155 **in an unaccredited school district, under section 167.131, to transfer to**
156 **an accredited district in the same or an adjoining county and have his**
157 **or her tuition paid by his or her school district of residence.**

Section B. Because of the need to provide immediate guidance on the
2 operations of unaccredited districts, this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution,
5 and this act shall be in full force and effect upon its passage and approval.

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